

**TOWN COUNCIL  
REGULAR MEETING  
OCTOBER 6, 1999**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:00 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Mayor Venis, Vice-Mayor Bush and Councilmembers Cox, Paul and Weiner. Also present were Town Administrator Middaugh, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

**3. OPEN PUBLIC MEETING**

Mayor Venis advised the speakers of the Open Public Meeting procedures.

Bruce Novack, 4262 SW 78 Drive, questioned whether there had been any change in the disagreement amongst Council regarding who would sit on the pension boards. He hoped the Town would move ahead with its business. Mr. Webber indicated that he had nothing to add as he had already rendered his opinion.

Tom Truex, 4740 SW 72 Avenue, thanked the Town for the progress in acquiring land for a park on the east and west sides of Town. He expressed his desire that the monies not be moved from the way in which the bond had been promoted and noted that he disagreed with some of the priorities. Mr. Truex indicated that a workshop regarding the Griffin Road corridor had been held and referenced the amount of time staff had expended and what had been accomplished. He stated that there were several issues which needed to be resolved prior to December when the zoning in progress expired. Mr. Truex commented that staffing in the Planning and Zoning Division needed to be a priority and questioned the progress of the single member district issue.

Jason Curtis, 3801 Flamingo Road, thanked Council for its efforts in protecting agricultural lands. Because of the Town's leadership in this matter, Broward County was drafting a resolution in support of the Town's position regarding the proposed rule change in the State Legislature.

Monroe Kiar concurred with Mr. Curtis' comments and thanked Council for their efforts on behalf of the farmers in the community.

Dan Barr, 2152 Nova Village Drive, expressed his belief that the Town was launching a new beginning with new staff members and suggested that those in the public who were criticizing the Town should offer constructive criticism and help with the problems. He noted the number of residents who were in attendance at tonight's meeting to question the budget relative to the number of people requesting charitable contributions. He requested that the charitable monies be reviewed and added that there needed to be a limit. He expressed his displeasure with regard to the legal fees and issues with which the Town was being faced. He suggested that the Town consider a local bank relative to item 8.17 on the agenda.

Bill Laystrom advised of a lengthy hearing regarding the Eckerds matter and requested that Council clarify whether he had authorization to make application to the County relative to the right-in, right-out on SW 136th Avenue, without the right-in, right-out on Shenandoah Parkway. Mayor Venis stated that as long as Mr. Laystrom was proceeding in compliance with Council's motion, Council had no problem with him moving forward.

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**4. PRESENTATIONS**

**4.1 Fire Department's Mini Poster and Essay Contest**

Joanne Jakin, Clerk Typist, presented a brief overview of the contest and acknowledged the companies that provided donations. She noted the importance of educating children regarding fire safety.

**4.2 Davie Employee Picnic Recognition**

Mr. Middaugh presented Certificates of Appreciation to individuals who had assisted with the picnic.

**4.3 Davie/Cooper City Chamber of Commerce**

Dr. Pat Helma representing the Chamber, updated Council on the Chamber's efforts.

**4.4 Upcoming Special Events - Bonnie Stafiej and Sharon Pierce-Kent**

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Concert in the Park (October 17th); yearly dog handling agility finals (October 16th - 17th); Five Star Rodeo (October 22nd - 23rd); Davie Summit Symposium (October 23rd); and Children's Safe Halloween Trick or Treat Day (October 30th).

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: staff workshop regarding purchase of park property (October 19th); Annual Ivanhoe Seniors and Adult Thanksgiving luncheon (November 8th); country western barbecue (November 19th); and roller hockey and in-house soccer program registration.

Mayor Venis announced that items 10.9, 10.11, 10.12, and 10.13 needed to be tabled to October 20, 1999.

Vice-Mayor Bush made a motion, seconded by Councilmember Weiner, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis announced that item 10.10 needed to be tabled to December 15, 1999.

Councilmember Cox made a motion, seconded by Vice-Mayor Bush, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis announced that item 10.14 needed to be tabled to November 3, 1999.

Vice-Mayor Bush made a motion, seconded by Councilmember Cox, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis indicated that an item would be added to the end of the agenda as item 14.4. There were no objections.

**5. MAYOR/COUNCILMEMBERS COMMENTS**

**MAYOR VENIS**

**EASE LUNCHEON.** Mayor Venis advised that a luncheon would be held on October 7th honoring Robert Legg as Humanitarian of the Year. He added that proceeds would benefit the EASE foundation.

**GOALSSESSION.** Mayor Venis indicated that a goal setting session would be held on October 18th and advised that supplemental monies for various departments would be discussed. He

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questioned if the information on the pension issue would be available. Mr. Middaugh responded negatively and stated that Council would be requested to provide direction on a variety of policy levels for the next year. He advised that he anticipated the data regarding the pension issue to be available sometime in November or December.

**CABLE FRANCHISEE.** Mayor Venis noted numerous complaints had been received with regard to the new cable being installed by BellSouth and Comcast. He indicated that the Town was working with the franchisees and would assist residents with any hardships that were created. Mayor Venis felt this would be beneficial to the Town in the future.

**ASSOCIATION MEETINGS.** Mayor Venis thanked the Harmony Lakes Homeowner's Association for inviting him and Mr. Middaugh to attend their meetings. He advised that the gate issue had been resolved.

Mayor Venis thanked the Paradise Village Homeowner's Association for inviting him to their meeting and noted that the residents had expressed concern with regard to the water deposit required by the City of Sunrise for mobile home owners. He stated that Budget and Finance Director Christopher Wallace was researching whether mobile homes were being charged more of a deposit and if so, he asked that a letter be sent to Sunrise asking that it return monies that were in excess of the normal deposit.

**SIGNALIZATION ON SHOTGUN ROAD.** Assistant Town Administrator Robert Rawls indicated that there was a delay in the installation of the signal lights; however, the County had indicated that the lights would be operational in approximately three weeks.

**TRAFFIC CONCERNS.** Mayor Venis noted several traffic problems near Indian Ridge Middle School and Western High School. He requested that the Police Department review the traffic problems and have Police Service Aides assist in directing traffic during certain peak times. The teachers at Indian Ridge had requested a no right turn on red sign be placed at the traffic light at the entrance of Foxtrail Elementary. Mr. Rawls explained that the Town had made some improvements including an area for the students to wait to cross the road and signalization.

**PUBLIC SERVICE COMMISSION.** Mayor Venis announced that he would be attending meetings in Tallahassee regarding the surcharge issue.

**VICE-MAYOR BUSH**

**L LAKE.** Vice-Mayor Bush introduced Police Officer Gregg Behrends who was attempting to solve problems around L. Lake. Officer Behrends provided an overview of his proposed plan and distributed a packet of information relative to the problems the Police Department was facing in that area. He made the following suggestions: the fence on the south side be secured including installing locks and tightening the fence; the vegetation along SW 41st Street be cleared; and a linear park be provided. Officer Behrends indicated that Housing and Community Development Coordinator Shirley Taylor-Prakelt had advised that most of the suggestions would be addressed in the near future. Vice-Mayor Bush commended Officer Behrends for his efforts.

**COUNCILMEMBER COX**

**EASE LUNCHEON.** Councilmember Cox reiterated that October 7th was the luncheon honoring Mr. Legg.

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**YOUTH ADVISORY COMMITTEE.** Councilmember Cox reported that the Committee had conducted its first meeting and noted that there was discussion regarding the purchase of the property on the east side of Town and provided an extensive insight.

**COUNCILMEMBER WEINER**

**TELEPHONE FRANCHISE.** Councilmember Weiner noted that the franchise had expired in July and suggested adding wording to the contract to protect the Town in the event that the company was sold.

**PARKS AND RECREATION ADVISORY BOARD.** Councilmember Weiner stated that his firm had been involved in litigation regarding the Miami Circle and his firm's client had a lot of money invested in the project. He indicated that the litigation had been settled which resolved a conflict that he had at the last Council meeting when he appointed Danny Belyeu to the Board. Councilmember Weiner explained that the conflict was that his firm was representing Mr. Belyeu's union and his pension monies and contributions. He hoped that he was able to appoint Danny Belyeu to another committee in the future but he could not do so with a conflict pending.

**REDISTRICTING.** Councilmember Weiner stated that the Town Charter's provided several ways in which the district boundaries were reviewed. He requested consideration of appointments to a committee be placed on the next agenda.

**COUNCILMEMBER PAUL**

**THANKS.** Councilmember Paul thanked those who wished her well during her illness and further thanked Mr. Curtis for his remarks during the Open Public Meeting. She indicated that she had received a letter from Commissioner of Agriculture Bob Crawford thanking the Town for the agricultural lands resolution and he had advised that the issue had been placed on hold.

**EASE LUNCHEON.** Councilmember Paul noted her pledge to assist the EASE Foundation. Subsequently, a charity horse show would be conducted to benefit the EASE Foundation and Project Stable.

**TEEN CHALLENGE.** Councilmember Paul indicated that she had attended Teen Challenge's grand opening. She noted that they had pledged to be good neighbors and to be a part of the neighborhood.

**DMIA DINNER.** Councilmember Paul explained that she was able to attend the dinner at which Mr. Middaugh was a speaker. She noted the topic of his speech was his code of ethics.

**YOUTH ADVISORY MEETING.** Councilmember Paul congratulated the new members, Chair Jamie Rather and Co-Chair James Wade.

**LAND USE AND REZONING PROCESS.** Councilmember Paul expressed concern with regard to the current process in which land use and rezonings seemed to warrant constant vigilance from residents. She encouraged the residents to be involved; however, she felt the vigilance and the readiness was based on mistrust. Councilmember Paul stated that it was her belief that permanent action needed to be taken to allow the residents to feel a sense of security so that the burden did not rest on their shoulders. She requested an ordinance or Charter change be considered in which a "super" majority vote be adopted by Council on all land use changes.

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**6. TOWN ADMINISTRATOR'S COMMENTS**

Mr. Middaugh stated that he had no comments to share.

**7. TOWN ATTORNEY'S COMMENTS**

**LITIGATION.** Mr. Webber provided an update on litigation in which the Town was involved: Bar-B Ranch, Orendello, 142nd Avenue; 175/185 funds; Coastal Carting; Sunrise, Statewide Towing; and Rowars.

**STREET VENDORS.** Mr. Webber indicated that a meeting was held in which numerous individuals were not notified of the meeting and he was unsure whether a unified ordinance was being prepared. He suggested that Council permit him to prepare an ordinance for their review.

Councilmember Cox questioned whether rescinding the Bar-B Ranch special permit would solve the issue. Mr. Webber responded negatively and explained that this action would lead to a lawsuit. By virtue of the Town granting a special permit, the Town acknowledged that Bar-B Ranch's responsibility was to use best management practices and according to Bar-B Ranch, they were a farm which was the issue in question.

Councilmember Weiner questioned whether the definition of the farm was based on the Florida Right-to-Farm Act which was a State law versus a Federal law. Mr. Webber explained that Collins Forman was looking for standards rather than a definition and referenced a letter to the USDA Natural Resource Conservation Services in which Mr. Forman requested specific standards. At this point, the definition was not in question but, rather, standards that could be used to make a determination.

Councilmember Weiner indicated that he would like to reconsider a motion that he made at the last meeting regarding the purchase of property on the east side [item 7.21]. He explained that not all the backup was presented, including the contract, and there were representations made that the developer was ready to move forward. Councilmember Weiner stated that he had been advised that the land between the subject property and L Lake was scheduled for affordable housing to be built with grant monies. He was unsure whether the owner could move forward with the project without documentation and indicated that the Town might be able to renegotiate a price with Mr. Jazarri or with DynaColor Graphics. Councilmember Weiner noted that there was a concern with regard to delaying the Community Redevelopment Agency purchasing the land due to a possible environmental problem. He stated that the Town was relying on samples and surveys from Mr. Jazarri's firm and he did not know if the Town could be indemnified if there was a problem. Mr. Webber indicated that he did not know if the Town would be able to be indemnified. Councilmember Weiner felt that Council needed to move forward to purchase land on the east side that was accessible to numerous children; however, it should not come with a high price tag. Councilmember Weiner felt the price for this property was high and questioned the Town's exposure if there was an environmental contamination on the property.

Councilmember Weiner moved to reconsider item 7.21.

Councilmember Paul commented that it was her understanding that Council's action was for Mr. Middaugh to negotiate a contract subject to Council's approval.

Mr. Webber clarified that there would be an "assignment of the contract" from the purchaser to the Town in which the contract required Council approval, as well as, sufficient

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appraisals for the property. At that time, the Town would have the option to accept or deny the contract. He indicated that the Town would be paying the contract price, which was \$10,000 less than what the current owner paid for the property.

Discussion ensued with regard to the zoning classification. Mr. Rawls explained that the property was zoned industrial, M-1 or M-2 and it was his understanding that the zoning was in place. He advised that staff had reviewed other sites due to the high asking price of the property and noted that consideration had been given to buy residential properties.

Mr. Middaugh noted that no commitments was made to the property owner or the contract purchaser. He indicated that appraisals were being obtained and a community meeting was scheduled for the October 19th.

Councilmember Weiner commented that if the engineering company would recertify the results for the Town, he would not have a problem. Mr. Rawls advised that prior to closing, he would ensure that the Town would be afforded the same protection that was issued.

Councilmember Cox seconded the motion. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - no; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-1)

Councilmember Cox made a motion, seconded by Councilmember Weiner, to instruct Mr. Middaugh to go forward with the negotiations to explore the purchase of the acreage, taking into consideration the environmental factors and anything he could do regarding beneficial pricing or better deal including recertifying the engineering documentation. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

## 8. CONSENT AGENDA

### *Minutes*

- 8.1 August 18, 1999 - Regular Meeting
- 8.2 September 1, 1999 - Regular Meeting
- 8.3 September 9, 1999 - Special Meeting
- 8.4 September 15, 1999 - Special Executive Session

### *Proclamations*

- 8.5 Fire Prevention Week (October 3 - 9, 1999)
- 8.6 Invasive Plant Awareness Week (October 17 - 23, 1999)

### *Home Occupational Licenses*

- 8.7 Deborah A. Martino, R.E., 3190 SW 116 Avenue
- 8.8 Ronald Matzuga, 3020 SW 117 Avenue

### *Occupational License - Seasonal Sales - Waiver of Fees*

- 8.9 Davie United Methodist Church, 6500 SW 47 Street (October 18 - October 31, 1999)

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*Resolutions*

- 8.10**  
R-99-303      **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT EXTENSION FOR MEDICAL DIRECTOR SERVICES BETWEEN THE TOWN OF DAVIE AND JOE NELSON, D.O., M.S.**
- 8.11**  
R-99-304      **SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING A SUBDIVISION PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 2-3-99, Madison Lakes Plat, 5100 SW 52 Avenue) Planning and Zoning Division recommended approved subject to the planning report; Planning and Zoning Board recommended approved**
- 8.12**  
R-99-305      **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT FOR HIGHWAY BEAUTIFICATION AND MAINTENANCE FOR THE STIRLING ROAD/I-75 OVERPASS. (\$450 monthly maintenance)**
- 8.13**  
R-99-306      **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT FOR HIGHWAY BEAUTIFICATION AND MAINTENANCE FOR UNIVERSITY DRIVE. (\$150 monthly maintenance)**
- 8.14**  
R-99-307      **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH THE BROWARD FARM BUREAU. (December 7, 1999; requesting waiver of \$500 rental fee)**
- 8.15**  
R-99-308      **PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S PURCHASE OF BENCHES AND TRASH RECEPTACLES FOR THE DAVIE ROAD BEAUTIFICATION PROJECT. (\$23,885.68; sole source for benches - Victor Stanley)**
- 8.16**  
R-99-309      **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR AND BUDGET AND FINANCE DIRECTOR TO ENTER INTO AN AGREEMENT WITH GREAT WEST LIFE AND ANNUITY INSURANCE COMPANY FOR RECORDKEEPING AND COMMUNICATION SERVICES FOR THE TOWN'S \$401(a) MONEY PURCHASE DEFINED CONTRIBUTION PLAN AND \$457 DEFERRED COMPENSATION PLAN. (Record keeping and communication services 457 Deferred Compensation and 401(a) Plans)**

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- 8.17 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT WITH NORWEST BANK, COLORADO, N.A., FOR A CUSTODIAL ACCOUNT AGREEMENT FOR THE TOWN'S MONEY PURCHASE PLAN ASSETS. (401(a) Custodial Account)
- R-99-310 8.18 **INTENT TO UPDATE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE INTENT TO UPDATE THE FIVE YEAR CAPITAL PLAN TO INCLUDE THE INTERACTIVE WATERSPRAY PLAYGROUND AND MODULAR RESTROOM LOCATED AT PINE ISLAND PARK AT THE TIME THE FLORIDA RECREATION AND DEVELOPMENT ASSISTANCE PROGRAM GRANT IS FUNDED BY THE STATE OF FLORIDA.
- R-99-311 8.19 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR SOFTBALL UMPIRE SERVICES. (South Broward Umpires Association - approximately \$30,000 per year)
- R-99-312 8.20 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR FLAMINGO ROAD OPEN SPACE PARCELS LANDSCAPING PROJECT. (Siga, Inc. - \$38,292.81)
- R-99-313 8.21 **PAY ADJUSTMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE COST OF LIVING ADJUSTMENT FOR THE FEDERATION OF PUBLIC EMPLOYEES, BLUE COLLAR UNIT. (.9%)
- R-99-314 8.22 **PAY ADJUSTMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE COST OF LIVING ADJUSTMENT FOR THE FEDERATION OF PUBLIC EMPLOYEES, WHITE COLLAR UNIT. (.9%)
- R-99-315 8.23 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING FORMAL BIDDING AND ACCEPTING THE BID FOR 20,000 CUBIC YARDS OF BASE FILL MATERIAL FOR PINE ISLAND PARK. (\$45,000)

Councilmember Weiner asked that items 8.1 to 8.4 be removed from the Consent Agenda. Councilmember Cox asked that items 8.14, 8.16, and 8.17 be removed.

Vice Mayor Bush made a motion, seconded by Councilmember Weiner, to approve the Consent Agenda without items 8.1, 8.2, 8.3, 8.4, 8.14, 8.16, and 8.17. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.1 to 8.4 Councilmember Weiner advised that because of the tenting, Town Hall was closed early and he had not received the minutes

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table to October 20, 1999. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)



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8.14 Councilmember Cox questioned what event was being held with Councilmember Paul explaining that it was a field trip for elementary school students to learn about farming.

Councilmember Cox made a motion, seconded by Vice Mayor Bush, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

8.16 and 8.17 Councilmember Cox asked for an explanation as to why these firms were chosen. Mr. Wallace indicated that it was staff's belief that this firm, due to their technology, organization, and experience, was the best choice for this matter. Staff had reviewed the firm; talked to staff members, and reviewed customer service representatives handling questions. Mr. Wallace noted that staff had expressed concern with regard to the previous contract being bound to certain investments and the intent of this change was to allow employees the ability to invest in a larger variety of investments. He noted that the recordkeeping issue was very important. He indicated that the current record keeper had resigned and his firm also acted as the trustee.

Councilmember Cox questioned whether there was a bank or financial institution in Broward County that could duplicate the services that this firm would be able to provide. Mr. Wallace indicated that there were numerous firms that could conduct this service; however, staff did not feel that they could provide the same service for the same price.

Councilmember Weiner advised that there were several firms that provided this type of service and indicated that the Charter did not require professional services be placed out to bid. He questioned whether there was a listing of the local companies and their fees. Mr. Wallace indicated that there were three acceptable proposals after the RFP was developed, none of which were local companies.

Councilmember Cox felt the recordkeeper should be the same and this was an important issue. Mr. Wallace commented that the employees viewed the retirement plan as being what the recordkeeper provided.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve item 8.16. In a roll call vote, the vote was as follows: Councilmember Cox – yes; Vice Mayor Bush – yes; Mayor Venis – yes; Councilmember Weiner – yes; Councilmember Paul – yes. (Motion carried 5-0)

Councilmember Weiner expressed his desire to table item 8.17 until the next meeting so that additional information could be obtained. Mr. Wallace explained that if a local custodian was used, Great West would charge an additional \$2,000. He noted that time would also have to be spent building the interface between the custodian and the recordkeeper. Councilmember Weiner felt that this was not necessarily a monetary issue, but one with two separate identities.

Discussion ensued with regard to the benefits of obtaining a bid. Councilmember Cox expressed her belief that she did not want to spend a lot of money on obtaining a bid.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table item 8.17 until October 20, 1999. In a voice vote, all voted in favor. (Motion carried 5-0)

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**9. PUBLIC COMMENTS**

*Ordinances - First Reading (Public Hearing to be held on October 20, 1999)*

- 9.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 2, ARTICLE III OF THE TOWN CODE BY ADDING THERETO SECTION 2-43 ENTITLED "DUTIES OF COUNCILMEMBERS"; REITERATING AND CLARIFYING DUTIES PROVIDED FOR BY LAWS OF THE STATE OF FLORIDA AND THE CHARTER OF THE TOWN OF DAVIE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from September 15, 1999)**

Town Clerk Reinfeld read the ordinance by title. Mayor Venis advised that a public hearing would be held on October 20, 1999.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comment was closed.

Mr. Webber advised that he had previously been asked to look into whether there would be a conflict in any of Council voting and he had determined that there was no conflict of interest. He added that there was no private gain so all Council could vote on this item.

Councilmember Cox made a motion, seconded by Vice-Mayor Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - no. (Motion carried 4-1)

- 9.2 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF THE TOWN OF DAVIE BY AMENDING SECTION 12-374 ENTITLED "MODIFICATION OF SITE PLAN"; PROVIDING FOR A PROHIBITION TO MODIFICATIONS AND CHANGES TO ANY DEVELOPMENT ORDER THAT RESULTS IN THE IMPOSITION OF CONDITIONS, STIPULATIONS, DEED AND USE RESTRICTIONS OR REPRESENTATIONS WHEN A SITE PLAN IS FILED IN CONJUNCTION WITH SAID DEVELOPMENT ORDER; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title. Mayor Venis advised that a public hearing on this item would be held on October 20, 1999.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comment was closed.

Councilmember Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

**10. PUBLIC HEARINGS**

Mayor Venis opened the public hearing portion of the meeting.

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*Ordinances - Second and Final Reading*

- 99-35      10.1      **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 5, ENTITLED "BUILDINGS AND BUILDING REGULATIONS" BY DELETING THEREFROM ARTICLE III ENTITLED "PUBLIC SERVICE FEE"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title. Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Weiner asked how much money the fee generated each year and the rationale for its elimination.

Mr. Wallace explained that this was the interim service fee.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

- 99-36      10.2      **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY AND EASEMENTS FOR A PORTION OF NW 38TH STREET, AND PROVIDING AN EFFECTIVE DATE. (VA 4-1-99, Town of Davie, located approximately 330 feet east of NW 74 Avenue)**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Weiner made a motion, seconded by Vice-Mayor Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

- 99-37      10.3      **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO B-3, PLANNED BUSINESS DISTRICT, AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH AND; B-3, PLANNED BUSINESS DISTRICT TO B-3, PLANNED BUSINESS DISTRICT, AMENDING THE MASTER PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 6-1-99, Creative Child Learning Center, 1305 SW 101 Road)**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Carlos Gonzalez, representing the petitioner, was present.

Mayor Venis closed the public hearing.

Councilmember Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

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*Resolutions*

- 10.4 **TOWING FRANCHISE - A RESOLUTION OF THE TOWN OF DAVIE,**  
R-99-316 **FLORIDA, GRANTING A TOWING FRANCHISE, IMPOSING PROVISIONS  
AND CONDITIONS THERETO, AND SETTING FORTH AN EFFECTIVE  
DATE. (A & B Towing Service)**

Town Clerk Reinfeld read the resolution by title.

Mayor Venis asked if anyone wished to speak for or against the resolution. As no one spoke, the public hearing was closed.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

- 10.5 **FEE SCHEDULE REVISION - A RESOLUTION OF THE TOWN OF DAVIE,**  
R-99-317 **FLORIDA REVISING THE FEE SCHEDULE FOR THE ROBBINS LODGE AND  
PROVIDING FOR DISCRETIONARY ADMINISTRATION OF THE FEE  
SCHEDULE.**

Town Clerk Reinfeld read the resolution by title.

Mayor Venis asked if anyone wished to speak for or against the resolution.

Dan Barr, 2152 Nova Village Drive, questioned if the reduction of one-half was for residents or non-residents. He did not understand why the Town would want to reduce it if a fee schedule was already in place. Mr. Middaugh explained that the reduced rate would cover utilities and on-site personnel costs. He noted that if this fee schedule was adopted, Council would accept the philosophy that the use of the facility almost breaking even was preferable to having the facility sit idle. Mr. Middaugh further noted that the security deposit issue needed to be addressed and requested that a set figure be adopted.

Councilmember Cox felt that Mr. Middaugh's office could work with the deposit issue. She commented that if a facility was rented too cheaply, people would have the tendency to not respect the facility.

Mayor Venis closed the public hearing.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve less item 3. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

*Quasi Judicial Items*

- 10.6 **VARIANCE - V 8-1-99, Regency Square Office Building, 15400 SW 50 Street  
(Commercial/PUD) (to reduce the required parking spaces from 610 spaces to  
510 spaces) (tabled from September 15, 1999) Planning and Zoning Division  
recommended denial; Planning and Zoning Board recommended approval  
subject to the amended application limiting the use of the property to office use  
and limiting the height of the building to three stories**

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Mr. Webber explained the rules concerning the presentation of evidence. Town Clerk Reinfeld swore in the witnesses. Mark Kutney, Development Services Director, advised that his qualifications were on file in the Town Clerk's Office and entered the planning report into the record which Mr. Webber accepted. He summarized the planning report.

Bill Laystrom, representing the petitioner, provided a brief overview of the site and displayed aerial photographs and renderings. After several meetings, the petitioner had committed to a three-story building and redesigned the building so that the back of the building resembled an office building. Mr. Laystrom acknowledged that the parking restrictions for office buildings were smaller and committed to the variance being for the office project and not for the commercial use. He expressed his belief regarding the parking ratio being onerous.

Mayor Venis questioned the number of feet from the rear of the building to the nearest resident. Mr. Laystrom responded that there was approximately 270 feet with a lake in between. He noted that the dumpster had been relocated.

Councilmember Paul questioned whether Mr. Laystrom had met with the surrounding residents. Mr. Laystrom explained that at the Planning and Zoning Board meeting, there was one person who wanted to ensure that the ADA Codes were met.

Mr. Webber asked if anyone wished to provide testimony regarding the variance.

Jay Stahl, 5801 Surrey Circle West, expressed concern with regard to the impact on the Chelsea residents and noted that there were two ingress/egress to the project. He suggested that a request be made to the County for a traffic light on Volunteer Road. He expressed his belief that he had no problem with the variance and he would rather see an office park versus a shopping center. Mr. Laystrom advised that a light at Volunteer Road was currently bonded.

Mr. Webber stated that the hearing was concluded.

Councilmember Weiner questioned whether the concerns from the Planning and Zoning Board members who voted in the negative had been addressed. Mr. Laystrom explained that it was his understanding that the Board's concerns were that the Code had not been changed.

Mayor Venis questioned whether this item could be tabled until Mr. Laystrom had the opportunity to meet with the residents. He expressed concern with regard to the number of responses received from the residents and that no letter was sent to the homeowners' association. Mr. Laystrom pledged to bring the office project and the remaining uses to the residents. Mr. Rawls commented that there were a small number of residences that were in close proximity to the site. He felt that the notices were sent to the Chelsea residents and noted that in a meeting with the developer, there did not appear to be any objections to this matter.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve subject to the stipulation Mr. Laystrom represented that he still maintained on behalf of the applicant. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

11.1 Bill Laystrom, representing the petitioner, was present. Mr. Kutney presented the staff report.

Councilmember Cox made a motion, seconded by Councilmember Weiner, to approve with the Planning and Zoning Division recommendations and Mr. Laystrom's voluntary

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stipulation regarding the other issues. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

11.2 Bill Laystrom, representing the petitioner, was present. Mr. Kutney presented the staff report.

Councilmember Cox questioned whether this item could be tabled in order to allow the residents to address any landscaping concerns on the south part of the circle. Mr. Laystrom suggested addressing any concerns regarding the landscaping in the motion.

Councilmember Weiner recommended having the petitioner pledge additional landscaping if the residents in Chelsea did not object. Mr. Laystrom explained that the petitioner had agreed to place one Washingtonia palm every 50 feet provided there was sufficient room and noting the possibility that the homeowners might have to provide permission.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve subject to the concurrences and owner's willingness to plant Washingtonia palms one every 50 feet along the south side of the property. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

- 10.7 **VARIANCE** - V 8-2-99, Stirling 67, 6690 Stirling Road (B-3) (to reduce the minimum lot area of 43,560 square feet to 26,250 square feet; to reduce the minimum separation between uses from 250 feet to 185 feet and to reduce the minimum landscape buffer along arterial and collector streets from 20 feet wide to 3 feet wide) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Town Clerk Reinfeld swore in the witnesses. Mr. Kutney summarized the planning report.

Frank Costoya, representing the petitioner, provided a brief history of the property and pledged to improve the site and bring it into compliance. He noted that a site plan had been submitted for approval and displayed renderings and aerial photographs.

Councilmember Cox questioned the height of the canopy for the gasoline pumps. Mr. Costoya replied that the canopy would be 14 feet with a mansard roof and Spanish tile. The overall height would be approximately 17 to 18 feet. He noted that it would be similar to the Amoco station on Nob Hill Road across from the Police Station.

Mr. Webber asked if anyone wished to provide testimony regarding the variance.

Dean Alexander questioned whether the buffer reduction would interfere with safety or sight vision requirements. Mr. Costoya explained that in its current condition, the property essentially had no landscaping. He was proposing to have eight feet, eight inches to plant landscaping and he felt the landscaping issues could be addressed at the time of site plan approval.

Mr. Webber stated that the hearing was concluded.

Councilmember Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

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- 10.8 SPECIAL PERMIT** - SE 8-1-99, Lauderdale/Miami Auto Auction, 5353 State Road 7 (B-3) (to backfill a water body in excess of 3,000 cubic yards) Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval subject to the planning report and the petitioner's stipulation that the route used to deliver the fill would be I-595 to the Turnpike to Griffin Road, ensuring that no commercial or residential areas were effected

Town Clerk Reinfeld swore in the witnesses. Mr. Kutney entered the planning report into the record which Mr. Webber accepted. He summarized the planning report.

Gus Aguirre, representing the petitioner, explained the special permit.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the special permit. No one spoke.

Mr. Webber stated that the hearing was concluded.

Vice-Mayor Bush made a motion, seconded by Councilmember Weiner, to approve including all of the recommendations and the petitioner's stipulations. . In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

*Items to be tabled*

- 10.9 STAFF REQUESTING A TABLING OF THE ORDINANCE SECOND READING TO OCTOBER 20, 1999 AS COUNCIL TABLED FIRST READING TO OCTOBER 6, 1999**

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 2, ARTICLE III OF THE TOWN CODE BY ADDING THERETO SECTION 2-43 ENTITLED "DUTIES OF COUNCILMEMBERS"; REITERATING AND CLARIFYING DUTIES PROVIDED FOR BY LAWS OF THE STATE OF FLORIDA AND THE CHARTER OF THE TOWN OF DAVIE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from September 1, 1999)

This item was tabled earlier in the meeting.

- 10.10 STAFF REQUESTING A TABLING OF THE ORDINANCE SECOND READING TO DECEMBER 15, 1999**

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT AND CF, COMMUNITY FACILITIES DISTRICT, TO R-5, LOW MEDIUM DENSITY DWELLING DISTRICT, AND A-1, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-1-99, Alpha Baptist Church, Inc., 5230 Pine Island Road)

This item was tabled earlier in the meeting.

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**10.11 STAFF REQUESTING A TABLING OF THE RESOLUTION TO  
OCTOBER 20, 1999**

SPONSORSHIP FEE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING A FEE FOR THE YOUTH SPORTS SPONSORSHIP PROGRAM FOR THE COMMUNITY SERVICES DEPARTMENT. (\$250 sponsorship fee)

This item was tabled earlier in the meeting.

**10.12 LOCAL PLANNING AGENCY TABLED TO OCTOBER 13, 1999;  
COUNCIL CAN TABLE TO OCTOBER 20, 1999**

LAND USE PLAN AMENDMENT - LABC 00-1A, H.J. Zimmerman & Associates, Inc./Seventy-Five East, Inc., Gill, Shot Gun East, Inc., South Post, Inc., Orange-Griffin North, Inc., and DOM, Inc., generally located north of Orange Drive, south of SW 36 Street and an easterly extension thereof, east of SW 148 Avenue, and west of I-75 (from Residential 1 du/ac to Employment Center)

This item was tabled earlier in the meeting.

**10.13 LOCAL PLANNING AGENCY TABLED TO OCTOBER 13, 1999;  
COUNCIL CAN TABLE TO OCTOBER 20, 1999**

TRAFFICWAYS PLAN AMENDMENT - TA 99-1/7-1-99, H.J. Zimmerman & Associates, Orange Drive from Flamingo Road west to SW 148 Avenue (Segment 1) and Orange Drive/Shotgun Road SW 148 Avenue to SW 36 Street (Segment 2) (delete Segment 1 and realign Segment 2)

This item was tabled earlier in the meeting.

**10.14 PLANNING AND ZONING BOARD TABLED TO OCTOBER 27, 1999;  
COUNCIL CAN TABLE TO NOVEMBER 3, 1999**

REZONING - ZB 8-1-99, Leigh Robinson Kerr & Associates/Ryan, located on the northeast corner of SW 36 Street and Weston Road (from A-1 to BP)

This item was tabled earlier in the meeting.

Mayor Venis closed the public hearing portion of the meeting.

**11. SITE PLANS**

11.1 SP 6-14-99, Regency Park, 15400 SW 50 Street (PUD) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report*

This item was discussed earlier in the meeting.



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- 11.2 SP 8-5-99, Regency Park, 15400 SW 50 Street (PUD) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report items 1 through 13; that the petitioner agreed to voluntarily discuss the relocation of a dumpster; and to increase the height of the Royal palms located in the front from 8 foot gray wood to 12 foot gray wood

This item was discussed earlier in the meeting.

**12. APPOINTMENTS**

- 12.1 Child Safety Board (one exclusive appointment - Vice-Mayor Bush and Councilmember Weiner) (members shall reflect to the greatest extent possible, interest and expertise in the following areas: law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood) (term August 1999 to July 2000)

Vice-Mayor Bush appointed Lorraine Hoffman. Councilmember Weiner appointed Ron Adderley.

**13. OLD BUSINESS**

- 13.1 Special Counsel for Code Amendment

Mr. Middaugh explained that he had identified additional sources of assistance, and after review, staff had determined that the original recommendation of Nancy Stroud was solid. He was noted that her fee of \$170 per hour was lower than most of the candidates and would not charge the Town for travel from her Boca Raton office to Town Hall. Mr. Kutney advised that an attorney with the same law firm as Ms. Stroud would charge \$145 per hour.

Councilmember Weiner advised that the Florida Bar listing was just received noting several attorneys who had expertise in these matters. He suggested contacting the Broward, Dade, and Palm Beach Bar Associations to locate different real estate and governmental sections that dealt with Federal Fair Housing issues to compare fees.

Councilmember Cox indicated that Ms. Stroud had the credentials and she had worked with the Town before on other issues.

Councilmember Weiner advised of e-mails received from Jean Messler and Ellen Christopher which noted valid issues. He advised that he wanted to see the research prior to voting on the need to hire an attorney.

Mr. Kutney advised that as a result of staff's research and working with Mr. Webber, it was clear that there were some internal inconsistencies within the Land Development Code. He added that there were also inconsistencies within the Land Use Plan. Staff's effort would be to first correct the Land Use Plan due to it being more general and the Land Development Code would then be amended. Mr. Kutney noted previous workshops in which suggestions were made to the Land Development Code.

Councilmember Cox felt there were two basic issues - the Code should be reviewed which was not the problem and the real "knotty" issue was to focus on how the Land Development Code complied with the Federal Fair Housing Act. She indicated that it was her understanding that most of the municipalities did not comply and she felt that Ms. Stroud would deal primarily with the Federal Fair Housing issues.

Councilmember Weiner reiterated that he would like to see the research and acknowledged Mr. Webber's willingness to remove himself from this matter. He indicated

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that he wanted to review the research before Council voted to make comprehensive changes and then, he wanted to see Mr. Webber make the changes as he did think monies needed to be spent on outside counsel. Councilmember Paul noted that Mr. Webber had stated that he was capable of doing this work and felt the work should be done in-house as much as possible.

Mayor Venis proposed having Mr. Kutney gather the information from the previous workshop meetings, conduct another workshop meeting inviting Senator Howard Forman to attend, review what the Town desired to accomplish, and then make a decision. Mr. Middaugh felt it was important to proceed to do something, due to the scrutiny in which the Code had recently been under. Mayor Venis indicated that he considered Senator Forman an expert in the field and had provided a lot of good input. He added that it could not hurt to "rehash" the issues before proceeding.

Vice Mayor Bush commented that he was also in favor of reviewing the research; however, one of the main reasons why this issue was tabled was due to the amount of attorney's fees involved. He referenced the attorney fees that were approved for the CRA.

Councilmember Paul explained that she was concerned with the need for an outside counsel rather than the attorney fees.

Councilmember Weiner made a motion, seconded by Mayor Venis, to table item 13.1 until a workshop meeting could be scheduled and that the legal research and any information that the Development Services Department had received from outside counsel in be provided at that meeting. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - no; Councilmember Cox - no; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 3-2)

**14. NEW BUSINESS**

**14.1 DONATION TO ORGANIZATIONS - A RESOLUTION OF THE TOWN OF R-99-319 DAVIE, FLORIDA, SUPPORTING VARIOUS NOT-FOR-PROFIT AGENCIES WHICH PROVIDE SERVICES FOR THE RESIDENTS IN OUR COMMUNITY. (\$121,500 appropriated)**

Mayor Venis suggested donating \$500 to the New Beginnings Greyhound Adoption Center. Councilmember Cox felt that the monies should be focused on Town residents and those agencies that served the Town's residents.

Mr. Middaugh indicated that True Bread Enrichment Center's request of \$100,000 had been added, however, the Town had no background information on this facility. Mayor Venis indicated that more information should be provided on this facility with Mr. Middaugh adding that if the Town was interested, monies could be provided next fiscal year. Mayor Venis stated that if the facility was researched, the Town could provide "a few dollars" to supplement the facility. He suggested that the balance of the requests could be taken out of the contingency funds.

Mayor Venis recommended that the \$3,500 request from the Police Department's Honor Guard for the Miss America Pageant be removed and discussed at a later date. Councilmember Cox indicated that the Town always provided the money.

Councilmember Cox questioned the \$15,000 for the Police Athletic League. Mayor Venis indicated that the \$15,000 figure was for operational costs. He noted that the alarm fees were to be designated to benefit the League; however, after the League's Board discussed, it had requested a fixed amount in lieu of the alarm fees.

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Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve the revised Attachment A, less the request from the True Bread Enrichment Center and less the Miss America/FOP with the balance of \$4,108 coming from contingency funds. In a roll call vote, the vote was as follows: Vice Mayor Bush – yes; Mayor Venis – yes; Councilmember Weiner – yes; Councilmember Paul – yes; Councilmember Cox – yes. (Motion carried 5-0)

#### 14.2 Census Survey (Mayor Venis)

Mayor Venis noted that at a seminar presented at the League of Cities, it was shown that the governmental Census was not an accurate reflection of the municipality's population. He suggested that Council review whether or not consideration should be given to an outside firm to assist with the population verification.

Councilmember Cox questioned whether there was a particular reason for concern. Mayor Venis responded that the population count varied and he was of the belief that the City of Weston had received a substantial amount of money and funding due to their verification.

Vice Mayor Bush indicated that there was a substantial loss of monies for an individual person and questioned whether the federal government accepted this type of population verification.

Councilmember Weiner asked Mr. Middaugh to provide information as to the process other municipalities had used and how the municipalities benefited from this action.

#### 14.3 Fire and Police Pension Board Matters

Councilmember Weiner expressed his desire to have some resolution to these matters and noted that in November 1998, the Division of Retirement advised that it was withholding 1997 monies. He assumed that if this issue was not resolved shortly, the 1998 monies would also be withheld and he anticipated that this equated to approximately \$1 million dollars in premium monies. These monies were being withheld due to the position the Pension Boards had taken and the State's response to the Pension Boards. Councilmember Weiner felt that this was a serious issue and may have an impact on negotiations with the different unions. He would like to see some incentive given to the Pension Boards to comply with State Law, if they were not in compliance.

Councilmember Weiner made a motion that if the Pension Boards did not correct the measures which were at issue in the Administrative Hearings by the second week in December, that Council authorized the Town Attorney to draft a lawsuit to compel the Pension Boards to comply with State law. Mr. Webber commented that Council had the right to take this action; however, the Pension Boards were working to resolve the matter. Up to this point, the Town had worked with the Pension Boards in a spirit of cooperation as much as possible.

Mayor Venis suggested bringing this issue back to the October 20th meeting, so that input could be received from the Pension Boards.

Councilmember Cox expressed her appreciation that Councilmember Weiner was providing an incentive for the Pension Boards to accomplish what they were intended to do. She believed the Town was in an awkward position and expressed her reluctance to make a determination at tonight's meeting as to whether or not the Town should sue the Pension Boards; however, she did not rule out this option. Councilmember Cox felt the Pension Boards had not been acting appropriately and there were influences on the Pension Boards that were inappropriate.

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Councilmember Weiner noted that the motion was made specifically to allow no action to be taken until January so that if the issue was resolved or Council decided not to take action in the interim, no action would be required. However, there would be impetus for the Boards to comply with State law.

Mr. Wallace noted that staff was in agreement with the Division of Retirement with regard to the outstanding issues and it was his belief that the message had been conveyed to the Pension Boards. He felt the Division of Retirement had asked a question, the attorneys for the Pension Boards had responded and, as a result of those questions, other questions had been asked. Mr. Wallace further noted that he did not believe the Pension Boards' attorney felt these issues could not be resolved with the State through the legal processes by the end of the calendar year. He indicated that at the meeting on October 20th, staff would be meeting in conjunction with the Pension Boards to hopefully come to a resolution; however, it would be incumbent upon the Pension Boards to take actions to resolve this issue. Furthermore, it would be incumbent upon the State to review those actions and approve or modify them. Mr. Wallace explained that the Town had filed an administrative appeal since the State had withheld the Chapter's monies. He indicated that the Pension Boards' attorney was working on this aspect and these issues had been held in abeyance for the remainder of the year.

Councilmember Cox questioned how the State could be forced to take action on this issue and suggested having the Pension Boards' attorney prepare a status report. Mr. Wallace suggested having Mr. Klausner speak at the October 20th Council meeting.

Vice Mayor Bush noted that he was a member of the Police Board. He commented that he would be willing to relay Council's displeasure at the Board's October 13th meeting, if Council directed him to do so.

Mayor Venis questioned whether or not this issue would be addressed prior to the deadline of the end of the year.

Councilmember Weiner made a motion, seconded by Councilmember Paul, that if the pension boards did not put forward a proposal to Council and the Division of Retirement to resolve this by the end of the year, that after the beginning of January 2000, Council directed Mr. Webber to file a lawsuit to compel compliance with Florida Statutes and the Internal Revenue Code.

Councilmember Weiner clarified that the intent of the motion was to provide Mr. Webber authority, after January 1st, to file a lawsuit if the Pension Boards did not provide a proposal to resolve the issue.

Vice Mayor Bush questioned whether he had a conflict of interest in voting on this matter. Mr. Webber suggested that Vice Mayor Bush abstain from voting.

Councilmember Cox stated that she was not comfortable voting to sue the Town's residents and the members of the union that sit on the Board; however, she was interested in getting the issue resolved. She reiterated her suggestion to table this motion until October 20th. Councilmember Cox suggested that the motion be amended to include a mechanism in which Council reviewed the issue and then a determination would be made as to filing a lawsuit.

Councilmember Weiner amended his motion that Council authorize the lawsuit on the day following the first Council meeting in January. Councilmember Paul accepted the amendment. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - abstained; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

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Mr. Wallace advised that one of the pension plans had been amended to provide for binding arbitration on disputes that were a result from actuarial assumption. He indicated that this was done to avoid having to be involved in lawsuits to resolve these issues.

**14.4** Councilmember Weiner made a motion, seconded by Councilmember Cox, to add item 14.4 to the agenda. In a voice vote, all voted in favor. (Motion carried 5-0)

**14.4** **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
**R-99-318** **AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER**  
**INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD**  
**COUNTY, AND SANDLER AT BROWARD, L.P., M S AND S TOYOTA, INC.,**  
**WEST CITY POINTE COMMERCE I LIMITED PARTNERSHIP, BMS DAVIE,**  
**LTD., HOME DEPOT U.S.A., AND POINTE WEST COMMERCE II LIMITED**  
**PARTNERSHIP, PROVIDING FOR REMEDIAL MEASURES TO SATISFY**  
**CONCURRENCY REQUIREMENTS RELATED TO THE ICW NORTH PLAT;**  
**TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES**  
**TO SAID AGREEMENT.**

Town Clerk Reinfeld read the resolution by title.

Matt Morrall, representing the petitioner, noted a request for 45,000 square feet of commercial space be added to the plat note and indicated that as part of the process, the County was requesting his company attempt to mitigate some of the traffic impact. He clarified that the certificate of occupancy would be issued upon the County's approval of a third party concurrency agreement and that the certificates of occupancy be issued on properties that had commercial designation.

Vice-Mayor Bush made a motion, seconded by Councilmember Weiner, to approve with the clarifications. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (5-0)

**15. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 11:21 p.m.

APPROVED \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk